

AMENDED IN ASSEMBLY MAY 2, 2016

AMENDED IN ASSEMBLY APRIL 26, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2356

Introduced by Assembly Member Gomez

February 18, 2016

An act to add Section 65583.3 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL’S DIGEST

AB 2356, as amended, Gomez. Planning and zoning: housing element: extremely low income housing.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. That law requires the housing element to include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. That law requires this assessment and inventory to include the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, as provided.

This bill would authorize a city or county to additionally include in its assessment and inventory the identification of housing for extremely low income households, as defined. If a local government elects to include this identification in its assessment and inventory, the bill would impose certain requirements, including that the identified zone or zones include sufficient capacity to accommodate the need for housing for extremely low income households, that the local government

demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of housing for extremely low income households, and that housing for extremely low income households generally be subject only to the development and management standards that apply to residential or commercial development within the same zone. The bill would also provide that the ~~permit processing, development, development of zones~~ and *objective* management standards ~~applied~~ under these provisions would not be discretionary acts within the meaning of the California Environmental Quality Act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65583.3 is added to the Government
2 Code, to read:
3 65583.3. The assessment and inventory adopted pursuant to
4 subdivision (a) of Section 65583 may include the identification of
5 a zone or zones where housing for extremely low income
6 households, as defined in Section 50106 of the Health and Safety
7 Code, is allowed as a permitted use without a conditional use or
8 other discretionary permit. If the local government elects to identify
9 a zone or zones pursuant to this section, all of the following shall
10 apply:
11 (a) The identified zone or zones shall include sufficient capacity
12 to accommodate the need for housing for extremely low income
13 households. If the local government cannot identify a zone or zones
14 with sufficient capacity, the local government shall include a
15 program to amend its zoning ordinance to meet the requirements
16 of this section within one year of the adoption of the housing
17 element. The local government may identify additional zones
18 where housing for extremely low income households is permitted
19 with a conditional use permit.
20 (b) The local government shall also demonstrate that existing
21 or proposed permit processing, development, and management
22 standards are objective and encourage and facilitate the
23 development of, or conversion to, housing for extremely low
24 income households. Housing for extremely low income households
25 may only be subject to those development and management

1 standards that apply to residential or commercial development
2 within the same zone except that a local government may apply
3 written, objective standards.

4 (c) The ~~permit processing, development, development of zones~~
5 and *objective* management standards ~~applied~~ under this section
6 shall not be deemed to be discretionary acts within the meaning
7 of the California Environmental Quality Act (Division 13
8 (commencing with Section 21000) of the Public Resources Code).

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